HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 28130 of 2007

Dated 28th December, 2007

Between
Sayyed Basha

…Petitioner

and

The Superintendent of Police,
East Godavari District, at Kakinada, and, ors

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 28130 of 2007

ORDER:

This Writ Petition is filed seeking Writ of Mandamus to declare the action of the third respondent in opening and continuing rowdy sheet No.356 of 1999 against the petitioner as illegal and arbitrary.

It is stated that in the year 1999, in view of the involvement of the petitioner in Crime No. 39/1999 on the file of the Draksharamam Police Station, EG District, for the offences under Sections 147, 148 and 307 r/w. 149 IPC, a rowdy sheet was opened against the petitioner. With reference to the same, the petitioner was charge sheeted and tried in S.C.No. 22 of 2000 and the learned Assistant Sessions Judge, Ramachandrapuram, convicted him by judgment dated 18-10-2002. Against the said judgment, the petitioner filed Criminal Appeal No. 258 of 2002 and the learned Additional District & Sessions Judge, Fast

Court Court, Rajahmundry allowed the said Criminal Appeal by judgment dated 15-3-2005 and acquitted the petitioner. It is the grievance of the petitioner that though rowdy sheet was opened only on the allegation of involvement in only one case and in absence of any further cases registered against him, the rowdy sheet is being continued from year to year, mechanically.

Heard the learned Counsel for the petitioner and the learned Government Pleader appearing for the respondents.

In the case of *S.Satyanarayana Vs. State of Andhra Pradesh* {1999 {6) ALT 249}, this Court held that the rowdy sheet opened cannot be continued mechanically and it has to be reviewed periodically. Though it is submitted by the learned Counsel for the petitioner that in spite of the acquittal of the petitioner in the above said case, the rowdy sheet is being continued against the petitioner, but, however, whether the petitioner is involved in any other cases or not so as to continue the rowdy sheet against the petitioner, is a matter which is required to be considered by the competent authority. In that view of the matter, as it is stated that the above case, in which the petitioner was involved, ended in acquittal and there is no further involvement of the petitioner in any other crimes and the rowdy sheet opened against him is valid up to 31-12-2007, I dispose of the Writ Petition, permitting the petitioner to make a representation in this regard before the first and second respondents within a period of two weeks from the date of receipt of a copy of this order, giving details of acquittals . If such a representation is filed, the respondents are directed to review the necessity of continuance or otherwise of the rowdy sheet opened against the petitioner, by taking into account the acquittals of the petitioner in various criminal proceedings and non-

involvement of the petitioner in other criminal cases, and, pass appropriate orders and communicate the same to the petitioner.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 28-12-2007
CC in two days
(BO) Msnr.